

1 AN ACT to create the Uniform Athlete Agents Act.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 1. Short title. This Act may be cited as the  
5 Uniform Athlete Agents Act.

6 Section 2. Definitions. In this Act:

7 (1) "Agency contract" means an agreement in which a  
8 student-athlete authorizes a person to negotiate or  
9 solicit on behalf of the student-athlete a  
10 professional-sports-services contract or an endorsement  
11 contract.

12 (2) "Athlete agent" means an individual who enters  
13 into an agency contract with a student-athlete or,  
14 directly or indirectly, recruits or solicits a  
15 student-athlete to enter into an agency contract. The  
16 term includes an individual who represents to the public  
17 that the individual is an athlete agent. The term does  
18 not include a spouse, parent, sibling, grandparent, or  
19 guardian of the student-athlete or an individual acting  
20 solely on behalf of a professional sports team or  
21 professional sports organization.

22 (3) "Athletic director" means an individual  
23 responsible for administering the overall athletic  
24 program of an educational institution or, if an  
25 educational institution has separately administered  
26 athletic programs for male students and female students,  
27 the athletic program for males or the athletic program  
28 for females, as appropriate.

29 (4) "Contact" means a communication, direct or  
30 indirect, between an athlete agent and a student-athlete,  
31 to recruit or solicit the student-athlete to enter into

1 an agency contract.

2 (4.5) "Department" means the Department of  
3 Professional Regulation.

4 (5) "Endorsement contract" means an agreement under  
5 which a student-athlete is employed or receives  
6 consideration to use on behalf of the other party any  
7 value that the student-athlete may have because of  
8 publicity, reputation, following, or fame obtained  
9 because of athletic ability or performance.

10 (6) "Intercollegiate sport" means a sport played at  
11 the collegiate level for which eligibility requirements  
12 for participation by a student-athlete are established by  
13 a national association for the promotion or regulation of  
14 collegiate athletics.

15 (7) "Person" means an individual, corporation,  
16 business trust, estate, trust, partnership, limited  
17 liability company, association, joint venture,  
18 government; governmental subdivision, agency, or  
19 instrumentality; public corporation, or any other legal  
20 or commercial entity.

21 (8) "Professional-sports-services contract" means  
22 an agreement under which an individual is employed, or  
23 agrees to render services, as a player on a professional  
24 sports team, with a professional sports organization, or  
25 as a professional athlete.

26 (9) "Record" means information that is inscribed on  
27 a tangible medium or that is stored in an electronic or  
28 other medium and is retrievable in perceivable form.

29 (10) "Registration" means registration as an  
30 athlete agent pursuant to this Act.

31 (11) "State" means a State of the United States,  
32 the District of Columbia, Puerto Rico, the United States  
33 Virgin Islands, or any territory or insular possession  
34 subject to the jurisdiction of the United States.

1           (12) "Student-athlete" means an individual who  
2 engages in, is eligible to engage in, or may be eligible  
3 in the future to engage in, any intercollegiate sport.  
4 If an individual is permanently ineligible to participate  
5 in a particular intercollegiate sport, the individual is  
6 not a student-athlete for purposes of that sport.

7           Section 3. Service of process; subpoenas.

8           (a) By acting as an athlete agent in this State, a  
9 nonresident individual appoints the Department as the  
10 individual's agent for service of process in any civil action  
11 in this State related to the individual's acting as an  
12 athlete agent in this State.

13           (b) The Department may issue subpoenas for any material  
14 that is relevant to the administration of this Act.

15           Section 4. Athlete agents: registration required; void  
16 contracts.

17           (a) Except as otherwise provided in subsection (b), an  
18 individual may not act as an athlete agent in this State  
19 without holding a certificate of registration under Section 6  
20 or 8.

21           (b) Before being issued a certificate of registration,  
22 an individual may act as an athlete agent in this state for  
23 all purposes except signing an agency contract, if:

24                 (1) a student-athlete or another person acting on  
25 behalf of the student-athlete initiates communication  
26 with the individual; and

27                 (2) within seven days after an initial act as an  
28 athlete agent, the individual submits an application for  
29 registration as an athlete agent in this State.

30           (c) An agency contract resulting from conduct in  
31 violation of this section is void and the athlete agent shall  
32 return any consideration received under the contract.

1 Section 5. Registration as athlete agent; form;  
2 requirements.

3 (a) An applicant for registration shall submit an  
4 application for registration to the Department in a form  
5 prescribed by the Department. An application filed under this  
6 Section is a public record. The application must be in the  
7 name of an individual and, except as otherwise provided in  
8 subsection (b), signed or otherwise authenticated by the  
9 applicant under penalty of perjury and state or contain:

10 (1) the name of the applicant and the address of  
11 the applicant's principal place of business;

12 (2) the name of the applicant's business or  
13 employer, if applicable;

14 (3) any business or occupation engaged in by the  
15 applicant for the five years next preceding the date of  
16 submission of the application;

17 (4) a description of the applicant's:

18 (A) formal training as an athlete agent;

19 (B) practical experience as an athlete agent;

20 and

21 (C) educational background relating to the  
22 applicant's activities as an athlete agent;

23 (5) the names and addresses of three individuals  
24 not related to the applicant who are willing to serve as  
25 references;

26 (6) the name, sport, and last known team for each  
27 individual for whom the applicant acted as an athlete  
28 agent during the five years next preceding the date of  
29 submission of the application;

30 (7) the names and addresses of all persons who are:

31 (A) with respect to the athlete agent's  
32 business if it is not a corporation, the partners,  
33 members, officers, managers, associates, or  
34 profit-sharers of the business; and

1           (B) with respect to a corporation employing  
2           the athlete agent, the officers, directors, and any  
3           shareholder of the corporation having an interest of  
4           five percent or greater;

5           (8) whether the applicant or any person named  
6           pursuant to paragraph (7) has been convicted of a crime  
7           that, if committed in this State, would be a crime  
8           involving moral turpitude or a felony, and identify the  
9           crime;

10          (9) whether there has been any administrative or  
11          judicial determination that the applicant or any person  
12          named pursuant to paragraph (7) has made a false,  
13          misleading, deceptive, or fraudulent representation;

14          (10) any instance in which the conduct of the  
15          applicant or any person named pursuant to paragraph (7)  
16          resulted in the imposition of a sanction, suspension, or  
17          declaration of ineligibility to participate in an  
18          interscholastic or intercollegiate athletic event on a  
19          student-athlete or educational institution;

20          (11) any sanction, suspension, or disciplinary  
21          action taken against the applicant or any person named  
22          pursuant to paragraph (7) arising out of occupational or  
23          professional conduct; and

24          (12) whether there has been any denial of an  
25          application for, suspension or revocation of, or refusal  
26          to renew, the registration or licensure of the applicant  
27          or any person named pursuant to paragraph (7) as an  
28          athlete agent in any State.

29          (b) An individual who has submitted an application for,  
30          and holds a certificate of, registration or licensure as an  
31          athlete agent in another State, may submit a copy of the  
32          application and certificate in lieu of submitting an  
33          application in the form prescribed pursuant to subsection  
34          (a). The Department shall accept the application and the

1 certificate from the other State as an application for  
2 registration in this State if the application to the other  
3 State:

4 (1) was submitted in the other State within six  
5 months next preceding the submission of the application  
6 in this State and the applicant certifies that the  
7 information contained in the application is current;

8 (2) contains information substantially similar to  
9 or more comprehensive than that required in an  
10 application submitted in this State; and

11 (3) was signed by the applicant under penalty of  
12 perjury.

13 Section 6. Certificate of registration; issuance or  
14 denial; renewal.

15 (a) Except as otherwise provided in subsection (b), the  
16 Department shall issue a certificate of registration to an  
17 individual who complies with Section 5(a) or whose  
18 application has been accepted under Section 5(b).

19 (b) The Department may refuse to issue a certificate of  
20 registration if the Department determines that the applicant  
21 has engaged in conduct that has a significant adverse effect  
22 on the applicant's fitness to act as an athlete agent. In  
23 making the determination, the Department may consider whether  
24 the applicant has:

25 (1) been convicted of a crime that, if committed in  
26 this State, would be a crime involving moral turpitude or  
27 a felony;

28 (2) made a materially false, misleading, deceptive,  
29 or fraudulent representation in the application or as an  
30 athlete agent;

31 (3) engaged in conduct that would disqualify the  
32 applicant from serving in a fiduciary capacity;

33 (4) engaged in conduct prohibited by Section 14;

1           (5) had a registration or licensure as an athlete  
2 agent suspended, revoked, or denied or been refused  
3 renewal of registration or licensure as an athlete agent  
4 in any State;

5           (6) engaged in conduct the consequence of which was  
6 that a sanction, suspension, or declaration of  
7 ineligibility to participate in an interscholastic or  
8 intercollegiate athletic event was imposed on a  
9 student-athlete or educational institution; or

10          (7) engaged in conduct that significantly adversely  
11 reflects on the applicant's credibility, honesty, or  
12 integrity.

13          (c) In making a determination under subsection (b), the  
14 Department shall consider:

15           (1) how recently the conduct occurred;

16           (2) the nature of the conduct and the context in  
17 which it occurred; and

18           (3) any other relevant conduct of the applicant.

19          (d) An athlete agent may apply to renew a registration  
20 by submitting an application for renewal in a form prescribed  
21 by the Department. An application filed under this section is  
22 a public record. The application for renewal must be signed  
23 by the applicant under penalty of perjury and must contain  
24 current information on all matters required in an original  
25 registration.

26          (e) An individual who has submitted an application for  
27 renewal of registration or licensure in another State, in  
28 lieu of submitting an application for renewal in the form  
29 prescribed pursuant to subsection (d), may file a copy of the  
30 application for renewal and a valid certificate of  
31 registration or licensure from the other State. The  
32 Department shall accept the application for renewal from the  
33 other State as an application for renewal in this State if  
34 the application to the other State:

1           (1) was submitted in the other State within six  
2 months next preceding the filing in this State and the  
3 applicant certifies the information contained in the  
4 application for renewal is current;

5           (2) contains information substantially similar to  
6 or more comprehensive than that required in an  
7 application for renewal submitted in this State; and

8           (3) was signed by the applicant under penalty of  
9 perjury.

10          (f) A certificate of registration or a renewal of a  
11 registration is valid for two years.

12          Section 7. Suspension, revocation, or refusal to renew  
13 registration.

14          (a) The Department may suspend, revoke, or refuse to  
15 renew a registration for conduct that would have justified  
16 denial of registration under Section 6(b).

17          (b) The Department may deny, suspend, revoke, or refuse  
18 to renew a certificate of registration or licensure only  
19 after proper notice and an opportunity for a hearing. The  
20 Illinois Administrative Procedure Act applies to this Act.

21          Section 8. Temporary registration. The Department may  
22 issue a temporary certificate of registration while an  
23 application for registration or renewal of registration is  
24 pending.

25          Section 9. Registration and renewal fees. An application  
26 for registration or renewal of registration must be  
27 accompanied by a fee in the following amount:

28           (1) \$75 for an initial application for  
29 registration;

30           (2) \$75 for an application for registration based  
31 upon a certificate of registration or licensure issued by

1 another State;

2 (3) \$50 for an application for renewal of  
3 registration; or

4 (4) \$50 for an application for renewal of  
5 registration based upon an application for renewal of  
6 registration or licensure submitted in another State.

7 Section 10. Required form of contract.

8 (a) An agency contract must be in a record, signed or  
9 otherwise authenticated by the parties.

10 (b) An agency contract must state or contain:

11 (1) the amount and method of calculating the  
12 consideration to be paid by the student-athlete for  
13 services to be provided by the athlete agent under the  
14 contract and any other consideration the athlete agent  
15 has received or will receive from any other source for  
16 entering into the contract or for providing the services;

17 (2) the name of any person not listed in the  
18 application for registration or renewal of registration  
19 who will be compensated because the student-athlete  
20 signed the agency contract;

21 (3) a description of any expenses that the  
22 student-athlete agrees to reimburse;

23 (4) a description of the services to be provided to  
24 the student-athlete;

25 (5) the duration of the contract; and

26 (6) the date of execution.

27 (c) An agency contract must contain, in close proximity  
28 to the signature of the student-athlete, a conspicuous notice  
29 in boldface type in capital letters stating:

30 WARNING TO STUDENT-ATHLETE  
31 IF YOU SIGN THIS CONTRACT:

32 (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A  
33 STUDENT-ATHLETE IN YOUR SPORT;

1           (2) IF YOU HAVE AN ATHLETIC DIRECTOR, WITHIN 72  
2 HOURS AFTER ENTERING INTO THIS CONTRACT, BOTH YOU AND  
3 YOUR ATHLETE AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR;  
4 AND

5           (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS  
6 AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT  
7 REINSTATE YOUR ELIGIBILITY.

8           (d) An agency contract that does not conform to this  
9 section is voidable by the student-athlete. If a  
10 student-athlete voids an agency contract, the student-athlete  
11 is not required to pay any consideration under the contract  
12 or to return any consideration received from the athlete  
13 agent to induce the student-athlete to enter into the  
14 contract.

15           (e) The athlete agent shall give a record of the signed  
16 or otherwise authenticated agency contract to the  
17 student-athlete at the time of execution.

18           Section 11. Notice to educational institution.

19           (a) Within 72 hours after entering into an agency  
20 contract or before the next scheduled athletic event in which  
21 the student-athlete may participate, whichever occurs first,  
22 the athlete agent shall give notice in a record of the  
23 existence of the contract to the athletic director of the  
24 educational institution at which the student-athlete is  
25 enrolled or the athlete agent has reasonable grounds to  
26 believe the student-athlete intends to enroll.

27           (b) Within 72 hours after entering into an agency  
28 contract or before the next athletic event in which the  
29 student-athlete may participate, whichever occurs first, the  
30 student-athlete shall inform the athletic director of the  
31 educational institution at which the student-athlete is  
32 enrolled that he or she has entered into an agency contract.

1 Section 12. Student-athlete's right to cancel.

2 (a) A student-athlete may cancel an agency contract by  
3 giving notice of the cancellation to the athlete agent in a  
4 record within 14 days after the contract is signed.

5 (b) A student-athlete may not waive the right to cancel  
6 an agency contract.

7 (c) If a student-athlete cancels an agency contract, the  
8 student-athlete is not required to pay any consideration  
9 under the contract or to return any consideration received  
10 from the athlete agent to induce the student-athlete to enter  
11 into the contract.

12 Section 13. Required records.

13 (a) An athlete agent shall retain the following records  
14 for a period of five years:

15 (1) the name and address of each individual  
16 represented by the athlete agent;

17 (2) any agency contract entered into by the athlete  
18 agent; and

19 (3) any direct costs incurred by the athlete agent  
20 in the recruitment or solicitation of a student-athlete  
21 to enter into an agency contract.

22 (b) Records required by subsection (a) to be retained  
23 are open to inspection by the Department during normal  
24 business hours.

25 Section 14. Prohibited conduct.

26 (a) An athlete agent, with the intent to induce a  
27 student-athlete to enter into an agency contract, may not:

28 (1) give any materially false or misleading  
29 information or make a materially false promise or  
30 representation;

31 (2) furnish anything of value to a student-athlete  
32 before the student-athlete enters into the agency

1 contract; or

2 (3) furnish anything of value to any individual  
3 other than the student-athlete or another registered  
4 athlete agent.

5 (b) An athlete agent may not intentionally:

6 (1) initiate contact with a student-athlete unless  
7 registered under this Act;

8 (2) refuse or fail to retain or permit inspection  
9 of the records required to be retained by Section 13;

10 (3) fail to register when required by Section 4;

11 (4) provide materially false or misleading  
12 information in an application for registration or renewal  
13 of registration;

14 (5) predate or postdate an agency contract; or

15 (6) fail to notify a student-athlete before the  
16 student-athlete signs or otherwise authenticates an  
17 agency contract for a particular sport that the signing  
18 or authentication may make the student-athlete ineligible  
19 to participate as a student-athlete in that sport.

20 Section 15. Criminal penalties. An athlete agent who  
21 violates Section 14 is guilty of a Class A misdemeanor.

22 Section 16. Civil remedies.

23 (a) An educational institution has a right of action  
24 against an athlete agent or a former student-athlete for  
25 damages caused by a violation of this Act. In an action  
26 under this section, the court may award to the prevailing  
27 party costs and reasonable attorney's fees.

28 (b) Damages of an educational institution under  
29 subsection (a) include losses and expenses incurred because,  
30 as a result of the conduct of an athlete agent or former  
31 student-athlete, the educational institution was injured by a  
32 violation of this Act or was penalized, disqualified, or

1 suspended from participation in athletics by a national  
2 association for the promotion and regulation of athletics, by  
3 an athletic conference, or by reasonable self-imposed  
4 disciplinary action taken to mitigate sanctions likely to be  
5 imposed by such an organization.

6 (c) A right of action under this section does not accrue  
7 until the educational institution discovers or by the  
8 exercise of reasonable diligence would have discovered the  
9 violation by the athlete agent or former student-athlete.

10 (d) Any liability of the athlete agent or the former  
11 student-athlete under this section is several and not joint.

12 (e) This Act does not restrict rights, remedies, or  
13 defenses of any person under law or equity.

14 Section 17. Administrative penalty. The Department may  
15 assess a civil penalty against an athlete agent not to exceed  
16 \$5,000 for a violation of this Act.

17 Section 18. Uniformity of application and construction.  
18 In applying and construing this Uniform Act, consideration  
19 must be given to the need to promote uniformity of the law  
20 with respect to its subject matter among States that enact  
21 it.

22 Section 19. Electronic Signatures in Global and National  
23 Commerce Act. The provisions of this Act governing the legal  
24 effect, validity, or enforceability of electronic records or  
25 signatures, and of contracts formed or performed with the use  
26 of such records or signatures conform to the requirements of  
27 Section 102 of the Electronic Signatures in Global and  
28 National Commerce Act, Pub. L. No. 106-229, 114 Stat. 464  
29 (2000), and supersede, modify, and limit the Electronic  
30 Signatures in Global and National Commerce Act.

1           Section 20. Severability. If any provision of this Act  
2 or its application to any person or circumstance is held  
3 invalid, the invalidity does not affect other provisions or  
4 applications of this Act which can be given effect without  
5 the invalid provision or application, and to this end the  
6 provisions of this Act are severable.